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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JOSEPH FANGSRUD VON ESCH,

CASE NO. C16-5842BHS

9 Plaintiff,

ORDER

v.

10 LEGACY SALMON CREEK  
11 HOSPITAL, et al.,

12 Defendants.

13 This matter comes before the Court on Defendant Asset Systems' Motion to  
14 Remove Stay and Decide Asset's Motion for Attorneys' Fees and Costs. [Dkt. # 156].  
15 The Court directed a verdict in Asset's favor during trial. Asset moved for more than  
16 \$100,000 in fees and \$13,000 in costs, arguing Plaintiff Fangsrud von Esch's position and  
17 tactics were unreasonable and abusive. [Dkt. #s 135 and 137]. Fangsrud von Esch  
18 appealed the Court's directed verdict. [Dkt. # 138]. The Court stayed Asset's motion for  
19 fees pending the appeal. [Dkt. # 150].

20 The Ninth Circuit affirmed [Dkt. # 153], and Asset now asks the Court to lift the  
21 stay and consider its motion for fees and costs. Fangsrud von Esch does not oppose lifting  
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1 the stay and considering the motion, but seeks leave to amend her initial response to add  
2 “facts and realities” brought to light during the appeal. Asset opposes such supplemental  
3 briefing, repeating that the request is “tardy” and that it should be stricken as improper. It  
4 argues that the Ninth Circuit proceedings are irrelevant.

5 The Motion to Lift the Stay [Dkt. # 156] is **GRANTED**. Fangsrud von Esch may  
6 file a short—ten pages or less—supplement to her opposition to Assets’ pending motion  
7 for attorneys’ fees and costs [Dkt. # 135] by January 13, 2021. Asset may file a reply of  
8 similar length by January 20. The Motion for fees is **RE-NOTED** for January 20, 2021.

9 **IT IS SO ORDERED.**

10 Dated this 5th day of January, 2021.

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13 BENJAMIN H. SETTLE  
14 United States District Judge  
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